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*Attorneys for First Interstate Bank and
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA, DIVISION

JOHN CAMPBELL McTIERNAN, JR.,

Plaintiff,

vs.

FIRST INTERSTATE BANK
And
MARLIN NORLING
AND
RANCH MARKETING ASSOCIATES, LLC

Defendants.

Cause No. CV-18-91-H-SEH

**FIRST INTERSTATE
BANK'S AND MARLIN
NORLING'S JOINT MOTION
TO DISMISS**

Defendants First Interstate Bank and Marlin Norling (collectively
“Defendants”) hereby move to dismiss Plaintiff John Campbell McTiernan, Jr.’s
Complaint:

- (1) for failure to state a claim upon which relief can be granted and,
- (2) in the alternative, for improper venue.

Defendants' motion is made pursuant to F. R. Civ. P. 12(b)(3) & (6). Defendants' motion is supported by the contemporaneously filed brief. On October 3, 2018, Plaintiff's Montana counsel, Scott B. Johnson, informed Defendants' counsel that Plaintiff objects to this Motion.

Dated this 4th day of October, 2018

CROWLEY FLECK PLLP

By /s/ David M. Wagner

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served upon the following counsel of record by the means designated below this 4th day of October, 2018.

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Attorney for Plaintiffs

/s/ David M. Wagner

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